

DECLASSIFIED

5/27/15

93.02

February 18, 1994

MEMORANDUM

OKD 987096591

CONFIDENTIAL

To: Sooner Dial File

From: Jimmy D. Givens
Staff Attorney

Re: Sooner Dial PRPs

There are three identified and viable potentially responsible parties ("PRPs") for the in-town sites: Ron Grubb (current landowner), Dowell Schlumberger as successor to Weston Industries, and Edo Aire Corporation. There are two identified and viable PRPs for the "rubble site" outside of town: Mr. Grubb and Oklahoma Bank & Trust of Clinton (current landowner). PRPs for the other recently identified possible area of contamination--the old landfill--are undetermined.

Although the then-Department of Health had some previous contact at least with Mr. Grubb in years past (mid-1980s), the current activities began in 1990 upon the impetus of H. A. Caves, who learned about the problem as Chief of the Consumer Protection Service. I became involved at the request of H. A., and I have made most of the contacts with the identified PRPs.

The extent of contact and efforts to reach a resolution of this matter with the PRPs is largely reflected in the attached chronology, although even it somewhat underestimates the extent of contact in that many phone conversations were not memorialized. The chronology amply demonstrates the exceptional efforts of the OSDH/DEQ to reach a resolution, however, with referral to EPA being used only as a last resort.

Attachment

cc: Scott Thompson

9527432



Documents relating to PRPs
File located in DEQ's legal office

**SOONER DIAL COMPANY
Clinton, Oklahoma
Chronology**

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- 6-30-65** Report on inspection of 6-23-65:
address: 1002 South 10th Street, Clinton, OK
General Manager: Charles E. Owens
Radiation Safety Officer: Harold C. Bay
Problem: 3 vials of paint containing about 0.3 millicuries of radium each, work area grossly contaminated with radium paint, all areas in shop contaminated with levels from 7500 to 300,000 counts per minute of alpha radiation as measured with the PAC ISA--clean-up measures were recommended.
- 12-20-66** State Dept. of Health Memorandum from J.M. Conlon to Dale McHard re: status of Sooner Dial--Mr. Owens indicated that the shop areas were being refinished with epoxy resin paints and the use of radium paints had been discontinued in this facility, radium is still being stripped from old dials, specific recommendations and information included in the correspondence.
- 12-20-66** State Dept. of Health letter to Mr. Charles Owens from Dale McHard, Head/Occupational and Radiological Health Section re: recommendations to correct deficiencies.
- 9-29-67** Memo to file from Robert Craig re: conversation with Harold Bay. Radium luminous compounds have been discontinued, the shop painted, working surfaces covered with Formica. Mr. Bay stated bench surfaces were cleaned and painted before Formica tops installed. Old suspect dials are discarded without stripping paint. Original glass bench tops disposed of.
- Harold C. Bay** 716 Santa Fe 323-3097
Will D. Clark NE of City 323-1437
- 2-5-85** Memo to file from Robert Craig, Director, Radiation Protection Division re: 2-4-85 meeting to discuss contamination of site (Bob Kellogg, Wib Truby, Coleman Smith, & Robert Craig). Concluded that a detailed survey and sampling of site is necessary to evaluate degree of hazard. Need to locate and survey site to which rubble from site was taken. Truby to locate debris, Radiation Protection to survey. Smith to locate a place for disposition of any low level radioactive waste generated during decontamination process.

- 2-7-85 Letter to Mr. Ron Grubb, Ron Grubb Investments from Bob Kellogg re: notice of possible excessive radioactive levels on property, which was prior owned by Sooner Dial and request for cooperation in further investigation of property and location of rubble site.
- 2-13-85 Memo to file from Robert Craig re: 2-11-85 visit with Ron Grubb, the present owner of site. Terry Thiesson, Custer County Sanitarian was present. Mr. Grubb advised to consult attorney. Grubb gave permission for a detailed survey, measurements and samples were taken--widespread contamination found from property across alley to the street and extending down the alley to the south.
- 3-11-85 Memo to file from Robert Craig re: sample results.
- 3-15-85 Memo to Mark Coleman thru Dale McHard from Robert Craig re: project summary of Sooner Dial site. Location of rubble site discovered--site owned by Ray Wichert, Inc., 1401 Industrial Road, Clinton, Oklahoma--rubble site is 2-3 acres and 6-8 feet deep.
- 3-18-85 Memo to Mark Coleman thru Dale McHard from Robert Craig re: remedial action plan for Sooner Dial site.
- 3-21-85 Memo to Mark Coleman from Dale McHard re: additional issues to be investigated.
- 4-25-85 Memo to file from Wib Truby re: 4-25-85 visit to Clinton to meet with Ron Grubb at Custer County Health Dept. Bob Craig was present. Terry Thiesson and A.C. Harris said that Mr. Grubb was not at his office and secretary did not know of appt. Wib Truby, Terry Thiesson, Lynn McElroy, and Bob Craig met with Mr. Luckette, Clinton City Manager, who was very cooperative. Wib Truby and Bob Craig visited with Asst. Dist. Atty in Arapaho and was assured of cooperation.
- 7-3-85 Memo to Mark Coleman thru Dale McHard from Robert Craig re: 7-1-85 visit with James Luckett, Clinton City Manager and Terry Thiesson, Custer County Sanitarian. Luckett assured sampler would be installed and samples would be sent to Health Dept. laboratory. Luckett stated city attorney advised that alley is responsibility of property owner. Preliminary survey was made of Kist Photo Shop. Building owned by:
J.H. Robertson, Jr., 2637 N.W. 26, OKC, OK, 73107,
943-3055
Building is rented by:
Robert Conn, 218 West First Street, Cherryvale, KS,
67335, (316) 336-2496

4-23-86 Memo to Dale McHard from Robert Craig re: radium contamination on Ray Wichert Property in Clinton. Soil samples taken on property on 4-15-86, accompanied by Terry Thiesson and Bob Giger, sanitarians. Property on south side of Clinton, east of U.S. Highway 83. West side of property is a railroad track, east side an intermittent water course draining to north, south side a car wash. Level of property about 6 feet below level of adjoining property. Property used in past as disposal site for concrete, asphalt, and dirt from construction sites. Debris piles up to 3 feet high, fairly evenly distributed over property. Large pieces of debris prevents easy access to parts of site. Samples were taken.

6-29-90 Memo to H.A. Caves, Chief, Consumer Protection Service from Paul Brown, Director, Radiation Protection Division re: 4-24-90 trip to Clinton with Gary Ammon to conduct radiation survey of the building, land, and rubble associated with Sooner Dial site. Ron Grubb, present owner, gave permission to survey site. Terry Thiesson present. Original site, consisting of a vacant lot and auto shop were surveyed. Building rubble had been transported to a dumping area 2 miles SE of site. Soil samples taken. Radium contamination present on site at levels which may require removal--this was told to Mr. Grubb. Concern that access to vacant lot is unrestricted. A thorough site characterization study is needed. Suggested that Terry Thiesson of Custer County Health Dept. monitor area and report changes. Need to reach agreement within agency as to policies and protocols for management and clean-up of site.

Ron Grubb
Box 906
Clinton, OK 73601

3

Grubb does have interests in Banks of Rocky, Hydro, and Edmond.

- 9-13-90 **Note**--Sites visited by Dale on 9-6-90. No contamination found other than at two known sites. No advance calls to city manager. Delete city attorney as cc. Coit in hot DA race. Dale to provide memos to participants. See if lt bank needs modification. Meet again 9-14-90, 8:30.
- ??? **Memo** to Jimmy Givens from D. Hickens re: request that the prior requested draft letter with criteria for characterization not be sent to Ron Grubb at this time. This site is only marginally contaminated at this time. Historical file on site indicates multiple site visits, preliminary assessments, etc. Credibility of State is at issue here. Scott Thompson was contacted to determine if EPA would pickup site under "Removal Program". Conference call scheduled for 8-13-90 with Removal group to determine if this site will qualify for remediation.
- 9-13-90 **Memo** to H.A. Caves from Dale McHard re: request by LeRoy Rader, Dist. Sanitarian to have advance notice of mailing of letters to Grubb and the bank.
- 9-13-90 **Memo** to file from Dale McHard re: 9-6-90 briefing of Custer County Health Dept. Officials. Present was David Wattenbarger, Regional Admin., and three sanitarians, Terry Thiesson, Dick Moles, and Pete Davis. Paul Brown's memo of 6-29-90 was reviewed, as was the work plan for the site and draft letters to Grubb and the bank. Background and historical review on process of radium dial painting and why site was contaminated. Agreed to advise this office in advance of letters going to Grubb and the bank.
- ??? **Memo** to Jimmy Givens from Dale McHard re: 9-6-90 briefing of Custer County. Also, Custer County Dist. Atty is Coit and is running for re-election; suggested to check with Clinton on election results unless letters are mailed prior to election.
- ??? **Work Plan** for Sooner Dial Company Site prepared by Dale McHard.
- 9-24-90 **Letter** to Ron Grubb from Jimmy Givens re: notice that his property is a potential threat to the public health as a radiation hazard. Request that Grubb voluntarily agree to conduct a detailed site characterization of his property to assess extent of contamination. Upon negative response, State may pursue enforcement action for abatement of a public nuisance. Should EPA qualify the site for remediation, CERCLA allows EPA to identify PRPs to pay total cleanup costs.

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- 9-24-90 Letter to Oklahoma Bank and Trust Company (same letter as above.)
- 10-1-90 Letter to Jimmy Givens from Ron Grubb re: response to 9-24-90 letter--Grubb intends to cooperate, but cost is prohibitive.
- 10-4-90 Memo to file from D. Hickens re: follow-up subsequent to J. Givens' discussion with Ron Grubb on 10-1-90. Pete Davis, Custer County sanitarian investigated other potential PRPs claimed by Grubb to have been involved with property:

- (1) Frank Say, manager or stockowner of Sooner Dial when it was in operation: he died in 1965, confirmed by his elderly widow, age 81. She was very agitated at inquiry and asked why state waited 25 years to pursue the matter. Recommended that further inquiry be made of Mrs. Say's sister, who was more cooperative.
- (2) Earl Smith, name offered by Grubb as owner of south property before bankruptcy (where rubble is located): Earl Smith is listed locally in Clinton phonebook. Requested sanitarian to hold off contacting Smith at present because date of bankruptcy and Ray Wichert as prior property owner had been secured from the county tax assessor's office.
- (3) Edo- Aire Co/Corp, who may have bought out Sooner Dial's business and may have operated in Clinton. Grubb claims to have bought property from EDO-AIRE: Sooner Dial of Oklahoma sold out to Sooner Dial of Texas about 1967-68. EDO-Aire, competitor, soon thereafter purchased Sooner Dial. EDO-Aire was incorporated in Kansas and did business in Wichita. Grubb states he purchased the Sooner Dial site 22 years ago from EDO-Aire. Richard Barnes is aware of EDO-Aire operating in Wichita as late as 1982.

Soil Conservation Service can supply aerial photos from the 1930's forward of the Clinton area. J.M. Kelly, City Commissioner and Chairman of the Custer County Board of Health is a caretaker of bank properties and until 9-28-92 provided mowing services to Oklahoma Bank & Trust, specifically, the south Clinton site. Kelly informed the Bank he would no longer be mowing the site. The Bank may have been aware of the OSDH letter earlier due to the Bank-Kelly association. Searches have been made at OK, KS, & PA Secretary of State offices for incorporation of Sooner Dial or EDO-Aire, with no success. Neither Sooner

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Dial nor EDO-Aire are listed doing business presently in Wichita, KS. Sooner Dial is listed with Texas Secretary of State as incorporating on 4-10-78 and voluntarily dissolving on 3-31-86. JoBeth Huegler was indicated as President, Secretary and Treasurer. Service agent: Albert Huegler, 11931 Warfield Dr., San Antonio, TX 78216. PA Secretary of State search for Luminous Products and Safety Light Corp.:

Luminous, Inc.
7217-A Rising Sun Ave.
Philadelphia, PA 19111

A Delaware corp.
qualified in PA
3-7-88.

Safety Light Corp.
c/o U.S. Corp. Company
225 S. 15th St.
Philadelphia, PA

A Delaware corp.
qualified in PA
11-13-47 as U.S.
Radium Corp. and
changed 2-25-82 to
Safety Light.

10-12-90 Letter to Jimmy Givens from G.W. Lowry, Jr., President of Oklahoma Bank and Trust Company re: response to 9-24-90 letter. The dumping on Wichert property occurred prior to time property was acquired by Bank by a Sheriff's Deed dated 10-12-87.

??? Abstract of Title

10-15-90 Letter to Jimmy Givens from Mark Schwartz, atty. for Ron Grubb re: follow-up of telephone conversation on 10-11-90 explaining that atty. is working on a plan of action to present to his client. He intends on pursuing the matter of remediation and intends on seeking contribution from all former operators of facilities which were on the property in the past.

10-15-90 Listing of Individuals and Companies Health Physics Services

10-18-90 Letter to Mark Schwartz from Jimmy Givens re: listing of individuals and companies who might be able to assist Grubb. OSDH understands need for reasonable time and request proposed timetable as soon as feasible.

→ 10-30-90 Letter to G.W. Lowry, President of Okla. Bank & Trust from Jimmy Givens re: listing of individuals and companies who might be able to assist the Bank.

12-20-90 Letter to Jimmy Givens from Mark Schwartz, atty. for Grubb re: contacted Techrad Environmental Services to arrange for radiation testing in early January. Request information on any additional firms that have been located by the OSDH who were operators at the site and are still in existence.

1-7-91 Letter to G.W. Lowry, President of Okla. Bank & Trust from Jimmy Givens re: confirmation of telephone conversation on 1-4-91. Understand that Bank does not want to take further action until a survey has been performed. Survey must be expedited or enforcement action will be pursued.

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Contacts for Sooner Dial:

Mr. Ron Grubb

Ron Grubb Investments
Neptune Drive, South of City
Clinton, Oklahoma
(405) 323-6400

Terry Thiesson, Custer County Sanitarian
(405) 323-2100 spd 815

Dan Galloway, Clinton City Mgr.	(405) 323-0217
Randy Meacham, Clinton City Atty.	" "
Don Rodolph, Clinton Mayor	" "

Stephen Coit, Custer County D.A.	(405) 323-3232
Steve Brinkley, Asst. D.A.	" "
Thomas Pixton, Asst. D.A.	928-3342
Charles Goodwin, Custer County District Judge	(405) 323-3232

2-20-91 Letter to Mark Schwartz, atty. for Grubb from Jimmy Givens re: concern that to date no information concerning radiation testing has been submitted. If no documentation within fifteen days, we will refer matter to EPA.

→ 2-21-91 Note from Dale McHard to Jimmy Givens re: EPA decision on Cushing site could have bearing on the Sooner Dial site. EPA decided to drop Cushing from the NPL.

2-22-91 Letter to Jimmy Givens from Al Wood, Vice President of Oklahoma Bank & Trust re: reply to letter written to G.W.Lowry, Jr. The property has been surveyed and the described property does belong to the Bank. Will continue to work on matter and will report in 90 days.

2-27-91 Letter to Jimmy Givens from Mark Schwartz, atty. for Grubb re: Techrad Environmental Services will conduct preliminary radiation testing 2-28-91. Will contact OSDH as soon as we receive report.

4-19-91 Letter to Jimmy Givens from Mark Schwartz re: **report prepared by Techrad.** OSDH proposed work plan is more than needed for remediation of site. Please have staff review Techrad report to determine if agreeable by OSDH.

CONFIDENTIAL

- 6-17-91 **Memo** to H.A. Caves and Jimmy Givens from Dale McHard re: comments to Schwartz letter of 4-19-91. Techrad must prepare a work plan with details and submit to OSDH for review, they must agree to OSDH supervision of work performed, a Memorandum of Understanding needs to be prepared which sets forth the division of labor between Grubb/Techrad et al and OSDH. The burden of costs should be thrown to Grubb/Techrad et al. There should be direct, personal contact between chief technical people on site before work begins. Considering above comments, it is estimated that work cannot begin on site until at least October or November.
- 7-16-91 **Letter** to Mark Schwartz from Jimmy Givens re: response to 4-19-91 letter requesting review of Techrad report outlining items in 6-17-91 memo from Dale McHard.
- 7-16-91 **Letter** to Mr. Al Wood from Jimmy Givens re: progress of site. Letter from Bank on 2-22-91 explained that report would be submitted within 90 days; however, nothing has been submitted. Matter will be referred to EPA for further action.
- 7-28-91 **Letter** to Jimmy Givens from Mark Schwartz re: reply to 7-16-91 letter. Will review matter with client and Techrad and submit documents to you by 8-16-91.
- 7-31-91 **Memo** to H.A. Caves from Jimmy Givens re: telephone call from Al Wood, Vice President of Okla. Bank & Trust, arguing he had not seen evidence that rubble site might be contaminated. He was told that we would send him all information we have on contamination readings for the rubble site.
- 8-20-91 **Letter** to Al Wood from Jimmy Givens re: discussion with Consumer Protection Service requesting that they perform another "walk-through", since the original measurements are several years old and presently more sophisticated field instrumentation may be used. Request for property to be mowed prior to 8-31-91 to accommodate "walk-through".
- 9-4-91 **Memo** to H.A. Caves from Jimmy Givens re: phone call from Mark Schwartz. Techrad workplan will be delayed a week or two because Bob Naylor, assigned to the project, died last week.
- 9-4-91 **Letter** to Jimmy Givens from Mark Schwartz re: follow-up of phone conversation pertaining to Bob Naylor's death and requested extension.
- 10-3-91 **Memo** to file from Jimmy Givens re: status of workplan. Mark Schwartz explained that Techrad is working with the Dept. to finalize a viable workplan. H.A. confirmed this

and said Gary Ammon was to set up a meeting to discuss the plan. Schwartz also stated that Edo-Air did not flatly deny liability, rather they requested a copy of the workplan when complete.

New address for Mark Schwartz
119 N. Robinson Suite 1100
Oklahoma City, OK 73102

- 1-20-92 **Letter** to Mark Lumen, Techrad from Mark Schwartz re: request for status of work plan.

- 2-12-92 **Letter** to Mark Schwartz from Jimmy Givens re: Workplan must be submitted by 2-29-92.

- 2-13-92 **Letter** to Mark Lumen, Techrad from Mark Schwartz re: request for immediate response to the status and anticipated date report will be received. Enclosed letter from Jimmy and noted 2-29-92 deadline.

- 2-29-92 **Letter** to Jimmy Givens from Mark Schwartz re: receipt of proposed work plan. Need to review and talk with client about estimated costs. Will forward plan to Dept. on 3-2-92.

- 3-4-92 **Letter** to Jimmy Givens from Mark Schwartz re: Proposed Site Characterization and Preliminary Remediation Plan. Client is probably not in position to fund the estimated \$600,000 cleanup; however, Edo Corporation who was owner of site when contamination took place may be in a better financial position to do the cleanup.

- 3-5-92 **Letter** to Laura Carabillo, Counsel of Edo Corporation, from Mark Schwartz re: copy of Characterization and Preliminary Plan sent. Please review enclosed materials and consider checking insurance policies in effect at time Grubb took possession of property.

- 4-6-92 **Memo** to H.A. Caves from Jimmy Givens re: conversation with Bob Kellogg requesting Richard Mullins to do investigation to determine potentially responsible parties. Richard is swamped now, but Bob will have Richard get to it as soon as possible. Bob recommended county sanitarian work on it.

- 4-9-92 **Investigative Report** by Richard Mullins: Visited Clinton on 4-8-92 to determine who owned properties at 1002 S. 10th and 1401 Industrial Road. Spoke with Dale Conley who stated Bill Warnick demolished the building 7 or 8 years earlier. Spoke to David Wattenbarger, Custer County Health Dept. Administrator who stated that County Commissioner, J.M. Kelly would know more about when building was torn down and who did the work. Spoke with Bill Warnick who confirmed he tore down building at 1002 S. 10th for Mr. Grubb. (around 1980 to 1982) Warnick did

CONFIDENTIAL

a lot of work for Grubb. Warnick hauled materials from the site to the south of town. Warnick didn't know if he hauled the debris to the Ray Wichert property, but Earl Smith was the one who wanted materials dumped at site. He wasn't sure if all of the materials were dumped at one site, because they dumped at different sites all the time. City Clerk of Clinton stated that no permit was issued for the demolition of the Sooner Dial building sometime between 1980 and 1985, but during that time it was common not to get a permit. Spoke with County Commissioner, J.M. Kelly. He said that Mr. Grubb, Mr. Smith and Mr. Wichert were all "wheeling and dealing" together in the early 1980's. He said some of the material might be on east side of creek at 1401 Industrial Road and building was torn down around the early 1980's. He thinks Ray Wichert is in OKC now, but not sure. He said Mr. Smith had an aneurism and isn't all there, but was still in Clinton. Checked with County Clerk's office. Mr. Wichert bought the two acres at 1401 Industrial Road in July, 1980 and the .88 acres in August, 1981 and owned them until bank repossessed them. Memorandum dated 6-29-90 from Paul Brown to H.A. Caves says building was torn down in late 1984. Mr. Grubb has owned property at 1002 S. 10th from 1969 to present.

Related phone numbers:

Dale Conley	323-6683	
Ron Grubb	323-6400	
J.M. Kelly	323-1670	County Barn
	323-4420	Court House
Bill Warnick	323-2077	

- 4-21-92** Memo to Jimmy Givens thru H.A. Caves from Dale McHard re: comments on Techrad submittal. On 3-27-92, staff members from legal, Radiation Protection and Hazardous Waste met to coordinate the review process. Summary of Comments enclosed.
- 5-6-92** Letter to Mark Schwartz from Jimmy Givens re: OSDH has reviewed the Proposed Site Characterization and Preliminary Remediation Plan and has come to a significant agreement on the procedures. Please consult with your client and Techrad on any differences or concerns. Submittal of final site characterization plan requested by 6-1-92.
- 6-15-92** Memo to H.A. Caves from Jimmy Givens re: meeting with Mark Schwartz and Scott Thompson on 6-11-92. Concern by Schwartz that anything that Grubb does to remediate will be consistent with National Contingency Plan (NCP) under CERCLA. Not being consistent with NCP could be defense for any party Grubb might sue for contribution. Timing on submittal of final site characterization plan was discussed. Schwartz and Barbara Hoffman to research what it takes to demonstrate consistency with the NCP.

Research to be completed in two to four weeks. Mr. Trimberger of Techrad had been on out-of-state project, but will be back and contacting our radiation people to finalize the site characterization plan. Legal staff should contact Trimberger by 6-19-92 if he has not contacted Dept. Schwartz to obtain information on relationship of rubble site to the Sooner Dial site. Request for status on preliminary investigation on rubble site.

- 6-19-92 **Letter** to Laura Carabillo, atty. for Edo Corporation from Mark Schwartz re: trip to New York to discuss Sooner Dial site.

- 6-24-92 **Memo** to H.A. Caves from Jimmy Givens re: phone conversation with Mark Schwartz on 6-24-92. Enclosure of Staff Comments in 5-6-92 letter were omitted. Will send Schwartz replacement copy. Edo Air has agreed to meet with Schwartz in New York, July 13-15. Grubb confirms he had Sooner Dial building town down after he acquired property. He says he hired Sugar Creek Transport, owned by Bill Warner, to haul off rubble and Warner chose to take it to "rubble site". Grubb says "rubble site" was owned by Earl Smith who openly allowed people to dump dirt, etc. Schwartz to go to Clinton to see site Tuesday, Jimmy Givens may go with him and H.A. Caves, if interested.

- 8-10-92 **Note**--Claudia of Mark Schwartz' office called. Schwartz made a lot of progress with Edo Corp. while in NYC. Schwartz out of town, but will call when he gets back.

- 9-2-92 **Letter** from Givens to Schwartz asking for status report and warning of possible lawsuit or referral to EPA.

- 9-10-92 **Letter** from Mark S. Schwartz to Jimmy Givens enclosing 7-20-92 letter from Sidley & Austin, counsel for Edo Corporation requesting financial help from other PRPs.

- 10-30-92 **Letter** from Schwartz to counsel for EDO re whether they have received response from Schlumberger and Ametek.

- 11-2-92 **Letter** from Givens to Schwartz setting deadline of 12-31-92 for final site characterization plan.

- 1-21-93 **Memo** to Wingfield from Sanger through Givens requesting HWMS inspection to check on drums at the Sooner Dial site and the rubble site.

- 2-4-93 **Memo** to Caves from Givens re phone call with Schwartz, in which Schwartz indicated continuing progress with other potentially responsible parties.

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- 3-2-93 **Memo** from Kent Wells re 3-1-93 site visit to rubble site. Drums apparently waste motor oil.
- 4-14-93 **Memo** to Caves from Givens updating status, including phone call with Schwartz in which he said answer from EDO and completion of Site Assessment and Remediation Plan imminent.
- 5-12-93 **Meeting** between OSDH and Schlumberger in which Schlumberger indicated they would take lead on interface with OSDH and coordinating PRP activities.
- 5-24-93 **Letter** from Brian Curtis, Schlumberger counsel, to Givens confirming major points of 5-12 meeting, including willingness of Schlumberger to take lead in investigation and remediation "if the necessary agreements and arrangements can be made with the appropriate parties connected with the property".
- 6-28-93 **Letter** from Curtis to Givens, indicating that Schlumberger, EDO and Grubb in concert would be hiring an engineering firm to develop and implement an investigation plan for the Sooner Dial site, the so-called boutique site, and the rubble site.
- 8-30-93 **Note**--Don Stever, attorney for EDO, called Givens to say that EDO has concluded that it is not liable for any of the contamination and EDO has told Schlumberger that EDO will not participate in investigation and cleanup except possibly de minimis.
- 8-30-93 **Letter** from Curtis to Givens, saying that Schlumberger forced to back out of plan to do site investigation because of inability to reach agreement with other PRPs for their participation.
- 9-2-93 **Letter** from Stever to Givens confirming 8-30-93 phone conversation and enclosing exhibits to document why EDO concluded it is not liable. Also includes exhibits re ownership history of Sooner Dial property.
- 10-4-93 **Letter** from Stever to Givens enclosing sworn statement of former employee of Frank Say Aeromotive, supporting EDO's claim of no liability.
- 10-14-93 **Memo** from Givens to Caves and Kirk notifying them that Schlumberger investigator still doing some follow-up work to try to turn up new info which might cause EDO and Grubb to rethink their position.
- 11-8-93 **Note**--Curtis called Givens to say that Schlumberger had concluded it never owned property while Sooner Dial operating, so Schlumberger not actively pursuing investigation or remediation, although not totally

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foreclosing the possibility of doing something, at least if EDO and Grubb could be convinced to get back in.

- 11-16-93 Letter from Curtis to Givens confirming major points of 11-8-93 phone conversation.
- 12-9-93 Site visit by Gene Smith, Scotty Hargrave, and Jerry Sanger to check on possibility areal extent of contamination greater than had been thought.
- 12-10-93 Memo from Smith, Hargrave and Sanger to Caves re results of 12-9-93 site visit.
- 12-16-93 Meeting of staff re status of case. Conclusion: Due to confirmation of greater extent of contamination than originally thought, and apparent unwillingness of PRPs to proceed, and lack of resources of DEQ as compared to EPA to deal with this type of situation, we should refer to EPA. Scott Thompson will call EPA to give them a heads-up, then formal request/referral will be sent by December 30th.
- 1-27-94 Letter from Mark Coleman to Russell Rhoades at EPA Region 6, formally referring case to EPA for further evaluation and possible remediation.

→ not in Radiation Management files.